

Regarding FCC Notice of Proposed Rulemaking MB 18-92: Modernization of Media Regulation Initiative: Proposed Elimination of Cable Channel Lineup Requirements – Sections 76.1705 and 76.1700(a)(4) Notice of Proposed Rulemaking – MB Docket Nos. 17-105 and 18-92

Background: Section 76.1705 of FCC rules requires every cable operator “to maintain at its local office a current listing of the cable television channels” delivered by the system to its subscribers. This requirement was originally adopted in 1972 as part of the Commission’s technical standard performance rules for cable.

Section 76.1700(a)(4) of FCC rules requires that cable operators of systems with 1,000 or more subscribers make their channel lineup available to the public via the Commission-hosted online public inspection file (OPIF).

In its background paper, the FCC asserts: “Given that information about the channel lineups of individual cable operators is now available through a variety of sources, including, in many cases, the websites of the operator, on-screen electronic program guides, and paper guides, this Notice of Proposed Rulemaking examines whether regulations regarding the provision of channel lineups remain necessary.”

The FCC asks for testimony on these three questions:

- Propose to eliminate the requirement in Section 76.1705 that cable operators maintain at their local office a current listing of the cable television channels that each cable system delivers to its subscribers.
- Seek comment on whether we should also eliminate the requirement in Section 76.1700(a)(4) that certain cable operators make their channel lineup available via their OPIF.
- Seek comment on what the channel lineup requirements for small cable operators (those with 1,000 or fewer subscribers) should be if we eliminate Section 76.1705 or Section 76.1700(a)(4)

CCTV Response: In NPRM 18-92, the FCC presumes that channel line ups are available through a variety of sources, including on-screen electronic program guides. It is important for the Commissioners to understand that in Vermont, we cannot presume that our channels and their program details will be found on the Vermont Comcast systems. In fact, the Vermont Public Utility Commission sought, in its order in Docket

8301, to remedy this issue when it [ordered Comcast to provide electronic program guide access to Vermonts public, educational and government access channels as a condition of the Company's continued operations in the state.](#)

Comcast opposes this requirements (among others) and has taken its argument to the United States District Court/ District of Vermont in Comcast v. The Vermont Public Utility Commission in Civil Action 5:17-cv-161.

Therefore, it is CCTV's position that cable operators should continue to be required to provide its channel line up to subscribers and interested people at local offices, make those channels available on its on-line public inspection file. Furthermore, the FCC should take action to also ensure that cable operators include public, educational and government access channels on their electronic program line ups.

Submitted by Lauren-Glenn Davitian, Executive Director, CCTV Center for Media & Democracy, Burlington Vermont, davitian@cctv.org, 802-862-1645 x12